



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 1st February, 2018**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Melvyn Caplan (Chairman)
Susie Burbridge
Karen Scarborough



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. INKO NITO, 55 BROADWICK STREET, W1

(Pages 1 - 46)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact Area	Inko Nito, 55 Broadwick Street, W1	Variation of a Premises Licence	17/14383/LIPV

2. MARIAGE FRERES, 38 KING STREET, COVENT GARDEN, WC2

(Pages 47 - 82)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	St James's Ward / West End Cumulative Impact Area	Mariage Freres, 38 King Street, Covent Garden, WC2	New Premises Licence	17/14697/LIPN

3. 23 GROSVENOR GARDENS, SW1

(Pages 83 - 122)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / not in cumulative impact area	23 Grosvenor Gardens, SW1	Variation of a Premises Licence	17/14551/LIPV

**Stuart Love
Chief Executive
25 January 2018**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	1 February 2018
Licensing Ref No:	17/14383/LIPV - Premises Licence Variation
Title of Report:	Inko Nito 55 Broadwick Street London W1F 9QS
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	4 December 2017		
Applicant:	Inko Nito Broadwick Street Ltd		
Premises:	Inko Nito		
Premises address:	55 Broadwick Street London W1F 9QS	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises is currently operating as a restaurant.		
Variation description:	<p>According to the application, the variation seeks the following:</p> <ol style="list-style-type: none"> 1. To vary the layout of the premises in accordance with the plans submitted. Subsequently, the application seeks to amend condition 23 to reduce the restaurant capacity from 150 to a maximum of 120 customers at any one time. 2. To amend the hours for opening and licensable activities until 00:30 Monday to Saturday, and Sundays before Bank Holidays. 		
Premises licence history:	<p>The premises has been licensed since 2017. Historically, the premises has been licensed under the street address:</p> <p>57 Broadwick Street, London W1F 9QS.</p> <p>However, this development has since been split into three units. The postal address assigned to Inko Nito is now:</p> <p>55 Broadwick Street London W1F 9QS.</p> <p>Proof of this address change can be found at Appendix 5. Full details of the premises licence history can be found at Appendix 2.</p>		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours					
Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	23:30	23:00	00:30	No change
Tuesday	23:00	23:30	23:00	00:30	
Wednesday	23:00	23:30	23:00	00:30	
Thursday	23:00	23:30	23:00	00:30	
Friday	23:00	00:00	23:00	00:30	
Saturday	23:00	00:00	23:00	00:30	
Sunday					
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.			These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays and public holidays.	
	The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.			The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.	

Sale by Retail of Alcohol					
On or off sales		Current :			Proposed:
		On			No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:30	10:00	00:30	No change
Tuesday	10:00	23:30	10:00	00:30	
Wednesday	10:00	23:30	10:00	00:30	
Thursday	10:00	23:30	10:00	00:30	
Friday	10:00	00:00	10:00	00:30	
Saturday	10:00	00:00	10:00	00:30	
Sunday	12:00	22:30	12:00	22:30	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.			These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays and public holidays.	
	The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.			The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.	

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	08:00	23:30	07:30	00:30	No change
Tuesday	08:00	23:30	07:30	00:30	
Wednesday	08:00	23:30	07:30	00:30	
Thursday	08:00	23:30	07:30	00:30	
Friday	08:00	00:00	07:30	00:30	
Saturday	08:00	00:00	07:30	00:30	
Sunday	10:00	23:30	07:30	23:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.			These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.	
	The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.			The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.	

1-C Layout alteration
<p>According to the applicant, the variation seeks various alterations to the layout, namely the following:</p> <ul style="list-style-type: none"> • Reconfiguration of WCs • Reconfiguration of kitchen and back-of-house areas • Addition of lobby to the restaurant entrance in the bottom right corner • Removal of entrance in the centre of the shop-front • Removal of bar servery • Addition of robata • Removal of raised area • Change to furniture arrangement

1-D Conditions being varied					
Condition	Proposed variation				
<p>Condition 23</p> <p>The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 150 persons.</p>	<p>The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.</p>				
Adult entertainment:	<table border="1"> <thead> <tr> <th>Current position:</th> <th>Proposed position:</th> </tr> </thead> <tbody> <tr> <td>None</td> <td>No change</td> </tr> </tbody> </table>	Current position:	Proposed position:	None	No change
Current position:	Proposed position:				
None	No change				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Sandy Russell
Received:	7 December 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives. Once I have liaised with EH to ensure there are no additional conditions we would require I will be in touch.</p> <p>Following the agreement of conditions, the Metropolitan Police Service have withdrawn their representation.</p>	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	28 December 2017
<p>I write in relation to the application submitted for a variation of a Premises Licence for the following premises.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The variation application seeks to:</p> <ol style="list-style-type: none"> 1. Reduce the capacity of the premises from 150 to 120 customers at any one time. 2. Extend the hours for sale of alcohol: Monday to Thursday to 10:00 – 00:30 (an extension of 60 minutes) Friday to Saturday to 10:00 – 00:30 (an extension of 30 minutes) 3. Extend the hours for late night refreshment: Monday to Thursday to 23:00 – 00:30 (an extension of 60 minutes) Thursday to Saturday 23:30 – 00:30 (an extension of 30 minutes) 4. Extend the opening hours: Monday to Thursday to 08:00 – 00:30 (an extension of 60 minutes) Thursday to Saturday to 08:00 – 00:30 (an extension of 30 minutes) 	

Points 2 - 4 of this application seek to go beyond core hours as defined at HRS1 and paragraph 2.5.14 of the policy states that 'the granting of later hours for restaurants would depend on the extent to which the service of customers, closing up operations and customers leaving premises would be likely to give rise to public nuisance and crime and disorder. This would take into account the extent of activities, the operation of plant and equipment and the proximity of residential property' as such we would like further information relating to how these above mentioned factors will be managed by the operator.

Please note that we do not object to point 1 of the application.

Please accept this formal representation and we look forward to hearing from you with regards to the above points raised.

Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	28 December 2017

I refer to the variation application for the above premises which is located within the West End Cumulative Impact Area as defined within the City of Westminster Statement of Licensing Policy.

The applicant has submitted the following plans of the premises:

- ◆ Licensing Plan: drawing number 07-01 Rev A, dated Nov 17

The applicant is seeking the following variations:

1. Increase in hours for The Provision of Late Night Refreshment 'indoors' Monday to Saturday to 2300 to 0030 hours
2. Increase in hours for the Supply of Alcohol 'on' the premises Monday to Saturday to 1000 to 0030 hours
3. Change in layout, including a reduction in capacity to 120 patrons, as shown in the submitted plan.

I wish to make the following representations based on the plan and Operating Schedule submitted:

1. The increase in hours requested for the Provision of Late Night Refreshment 'indoors' may have the likely effect of causing an increase in Public Nuisance in the area.
2. The increase in hours requested for the Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area.
3. No representation raised for the change in layout.

The applicant is advised that as the applied for licensable hours go beyond 'core hours' and the previous Licence was granted after a hearing of the Licensing sub-Committee Environmental Health therefore considers that any subsequent request for an increase

in hours is a matter for the Committee as the premises are located within the West End Cumulative Impact Area.

Also some conditions need to be updated such as the condition for waste collection so that it also reflects the hours for the Council's own commercial waste collection service for the street.

It is unclear in the application to what stage the refurbishment of the premises has reached for the proposed use. The applicant is therefore requested to arrange a site visit as Environmental Health would like to be able to provide an on-site assessment should the Committee request further information at any hearing.

2-B Other Persons

Received: 15 December 2017

It seems to me asocial to extend the hours of this proposed restaurant to 00h30 - resultant noise and contiguous disturbance may well affect local residents in an area already under siege from overdevelopment of catering facilities with an eye to money to be made out of tourists and visitors rather than from any concern about the well-being of residents and council payers.

Received: 22 December 2017

As a leaseholder in the block of flats directly adjoining this new restaurant I feel that a licensing extension before the place has opened is premature.

We don't know what noise or nuisance will be associated with these premises until they open - how loud patrons might be, where they might congregate to smoke outside etc.

Surely the business should open with the hours initially applied for and approved and then be allowed to apply for an extension once it's been operating for a reasonable period. That way it will be possible for neighbours and others to make an informed judgement about the desirability of the extended hours based on solid evidence. At the moment there is none.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	Proof of change of address
Appendix 6	Existing premises licence

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation Metropolitan Police Service	7 December 2017
5	Representation Environmental Health Consultation Team	28 December 2017
6	Representation Licensing Authority	28 December 2017
7	Representation resident	15 December 2017
8	Representation resident	22 December 2017
9	Planning permission	
10	Proof of change of address	16 May 2017

Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP

www.westminster.gov.uk



City of Westminster

Your ref: P5465 Jaeger House

My ref: 15/07957/FULL

**Please
reply to:**

Tel No:

Matthew Giles

020 7641 5942

Daryl Mylroie
Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

29 April 2016

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE

Application No: 15/07957/FULL

Application Date: 26.08.2015

Date Received: 26.08.2015

Date Amended: 17.09.2015

Plan Nos: Acoustic Report dated 23rd April 2015, Acoustic Report dated 18th November 2015, Acoustic Report dated 6th January 2016, Transport Statement Rev2 dated 25 June 2015, Odour Report (J0029/1/F1) dated 24 April 2015, Drawings: 10324.40, T(SK)017 RevA, T(SK)016 RevA, T1(20)P00 RevT1, T1(20)P-1 RevT1, T1(20)P01 RevT1, T1(20)P02 RevT1, T1(20)P03 RevT1, T1(20)P04 RevT1, T(SK)056 RevA, T(SK)055 RevA, T(SK)054 RevA, T1(20)E01 RevT1, T1(20)E02 RevT1, T1(20)E03 RevT1, T1(20)E04 RevT1, T1(20)E05 RevT1, T1(20)E06 RevT1, T1(20)S01 RevT1, T1(20)S02 RevT2, T1(21) D01 RevT1, T1(21)D02 RevT1, T1(21)D03 RevT1, T1(21)D04 RevT1.

Address: 57 Broadwick Street, London, W1F 9QS,

Proposal: Alterations and extensions to the existing building including erection of single storey extension at roof level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof. (Land use swap with Shaftesbury Mansions, 52 Shaftesbury Avenue).

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See next page for conditions/reasons.

Yours faithfully



John Walker
Director of Planning

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;

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- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 5 You must install the acoustic attenuation as detailed in the submitted acoustic information at the same time as the plant is installed. This must be maintained in this form for as long as the plant remains in situ.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 6 As detailed within the submitted acoustic information, all first floor plant / machinery hereby permitted (except the three units serving the restaurant) shall not be operated except between 07:00 hours and 23:00 hours daily.

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Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must apply to us for approval of detailed drawings and manufacturers specification of the following parts of the development - restaurant ducting terminus. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 8 The restaurant extract duct shown on the approved drawings (with further details approved under Condition 7 of this permission) shall be fully installed before the restaurant use commences and thereafter maintained for as long as the premises are used as a Class A3 restaurant.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the proposed plant at fifth floor level will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 10 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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- 11 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 12 You must not sell any hot-food take-away or drink within either approved restaurant premises (Class A3), nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted restaurant uses (Class A3) because it would not meet Policy TACE9 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 13 The bar areas and bar seating in each of the restaurants, must not take up more than 15% of the floor area of the individual restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE9 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must not play live or recorded music within either of the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 15 You must not allow more than 150 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings. You must clearly mark them and make them available at all times to everyone using the property.

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Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 17 Prior to the occupation of the restaurant / retail units, you shall submit and have approved in writing by the local planning authority detailed servicing management strategies for the individual retail / restaurant accommodation to include an assessment of delivery noise combined with mechanical services, servicing hours, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken in accordance with the approved strategies unless otherwise agreed in writing by the local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours:

07:30 to 00:30 Mondays to Saturdays; and
07:30 to 00:00 (midnight) Sundays and Bank Holidays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 19 You must apply to us for approval of detailed drawings showing the following alterations to the scheme:

The shopfronts on Broadwick Street to the restaurant and office accommodation must not be recessed. They must be flush with the front façade.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 20 You must apply to us for approval of an odour management plan setting out the specifications of the odour abatement system and the maintenance strategy of the kitchen extract system. The agreed odour abatement system and maintenance strategy shall remain in place for as long as the restaurant remains in use. You must not start any work on these parts of the development until we have approved what you have sent us.

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You must then carry out the work according to these approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 21 You must provide each cycle parking space shown on the approved drawings prior to occupation (this includes all cycle parking spaces in the basement of the property and in the rear courtyard area of Marshall House). Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 22 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of the building.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 23 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 24 The Class A1 retail use hereby approved shall only be used for non-food retailing.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 25 The terrace areas hereby approved associated with the office accommodation can only be used between the hours of 08:30 and 20:30 Monday to Friday. You can not use the terrace areas outside of these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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- 26 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors at the Broadwick Street entrance. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 27 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

green roof areas / wildflower planting areas

You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 28 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 29 Access is only to be provided to the identified 'green roof -restricted access' areas for maintenance purposes. These roof areas are not to be used for any other purpose unless in the case of an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 30 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 31 You must apply to us for approval of sound insulation measures to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 32 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's

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City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.
- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

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- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 9 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 10 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 Please let our arboricultural team (020 7641 2922) know when you are going to start work on the site. It would be useful if you could give us at least five working days' notice of this date. This will allow us to inspect your tree-protection measures during the work. (I92BA)
- 13 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
- If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
- Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
- You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

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- 14 The odour management plan is likely to require the submission of manufacturer's specification and detailed plans of the following details:
- Grease filters;
 - Carbon filters with a residence time of at least 0.4 seconds;
 - Electrostatic precipitator;
 - UV light/Ozone;
 - All filters to have life monitoring package with safety cut-off features to stop the kitchen extract system from functioning should any of the installed odour abatement measures fail;
 - An updated odour report and risk assessment including the details of all neighbouring receptors and;
 - Any such features as recommended by the updated odour report section on 'Mitigation' (currently section 5)
 - Details of an automatic cut-off if the odour mitigation system fails.

The maintenance strategy is likely to require the submission of the details:

- Details of cleaning and maintenance measures required for each component of the system;
- Details of the minimum frequency at which the cleaning and maintenance measures shall be undertaken and;
- Examples of schedules and checklists to demonstrate that the cleaning and maintenance has been undertaken.

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Licence & Appeal History

Application	Details of Application	Date Determined	Decision
17/05023/LIPN	This was an application for a new premises licence.	29.06.2017	Granted by Licensing Sub-Committee
17/13422/LIPT	This was an application to transfer the licence from Shaftesbury Carnaby PLC to Inko Nito Broadwick Street Limited.	01.12.2017	Granted under Delegated Authority

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the

- period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
19. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
20. The premises shall only operate as a restaurant
 - i. in which customers are shown to their table,
 - ii. where the supply of alcohol is by waiter or waitress service only,
 - iii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv. which do not provide any take away service of food or drink for immediate consumption,
 - v. which do not provide any take away service of food or drink after 23.00, and
 - vi. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
21. No licensable activities shall take place at the premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

22. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 150 persons.

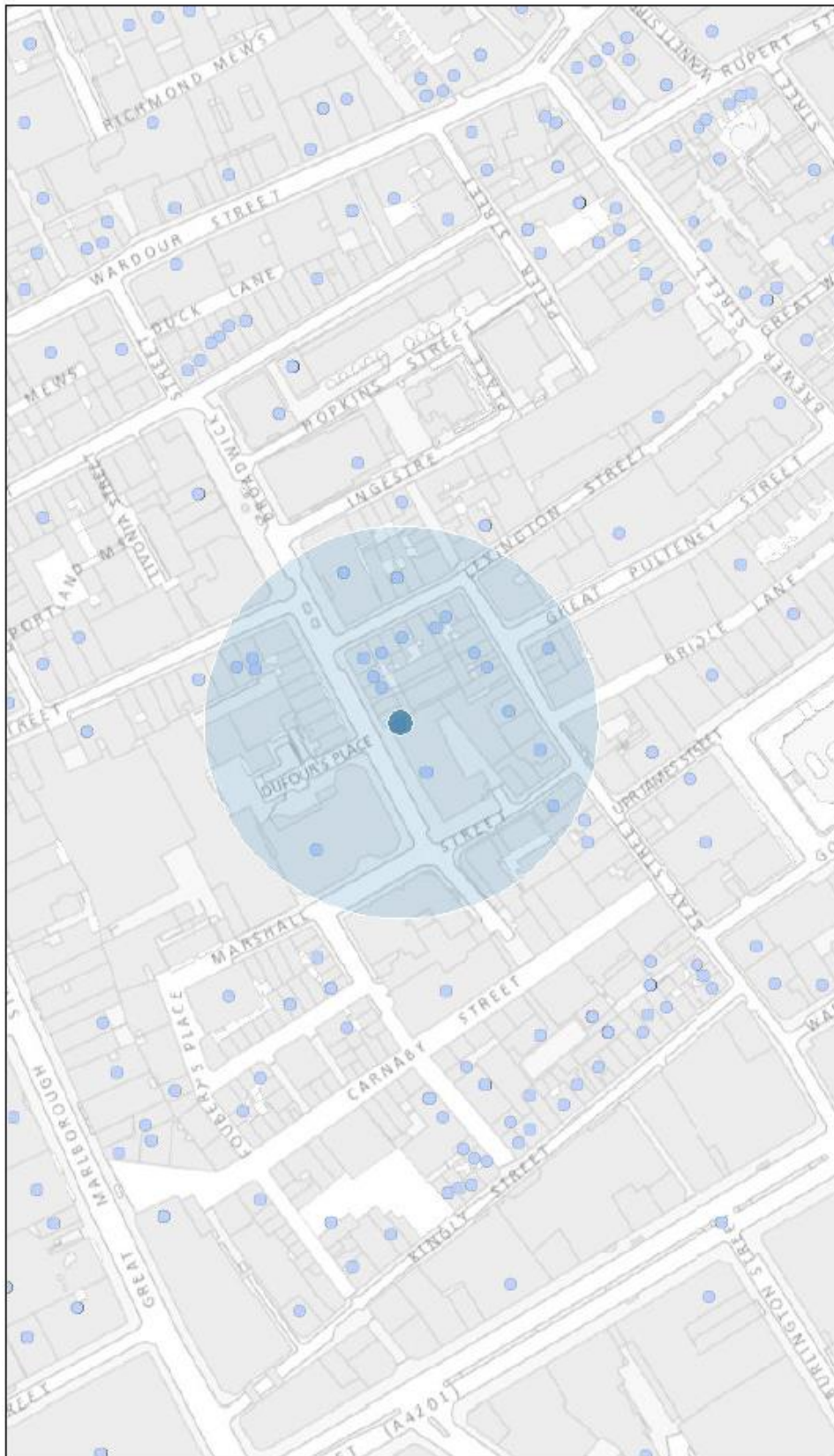
The applicant has proposed to amend condition 23 to read as the below:

The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.

Conditions proposed by the Police and agreed with the applicant so as to be incorporated within the operating schedule

24. After 23:00 hours patrons temporarily leaving the premises, eg. To smoke, shall not be permitted to take drinks or glass containers outside with them.

Inko Nito



January 17, 2018
● Live Licensing Act

Resident count = 291

Licence Number	Trading Name	Address	Premises Type	Time Period
17/05023/LIPN	Not Recorded Central Convenience Store	57 Broadwick Street London W1F 9QS	Restaurant	Monday to Thursday: 08:00 - 23:00 Friday to Saturday: 08:00 - 00:00 Sunday: 10:00 - 23:30 Sundays before Bank Holidays: 10:00 - 00:30
13/09832/LIPDPS		43 Broadwick Street London W1F 9QN	Shop	Monday to Saturday: 08:00 - 23:00 Sunday: 10:00 - 22:30
15/02234/LIPN	Solid London	41 Broadwick Street London W1F 9QL	Shop	Monday to Saturday: 08:00 - 23:00 Sunday: 08:00 - 22:30
15/02877/LIPDPS	Comptoir Libanais	59 Broadwick Street London W1F 9QH	Restaurant	Monday to Sunday: 08:00 - 23:00
15/03054/LIPRW	Bao	53 Lexington Street London W1F 9AS	Restaurant	Monday to Thursday: 10:00 - 23:30 Friday to Saturday: 10:00 - 00:00 Sunday: 12:00 - 22:30
17/07385/LIPDPS	John Snow	39 Broadwick Street London W1F 9QJ	Public house or pub restaurant	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
17/09666/LIPN	Not Recorded	Basement And Ground Floor 49 Lexington Street London W1F 9AP	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00 New Year's Eve: 00:00 - 00:00
15/04973/LIPDPS	Ma Plucker	Basement And Ground Floor 75 Beak Street London W1F 9ES	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00
06/06413/AVCCMAP	Mildred's Restaurant	45 Lexington Street London W1F 9AN	Restaurant	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
16/06672/LIPN	Fernandez & Wells	73 Beak Street London W1F 9SR	Cafe	Monday to Saturday: 08:00 - 23:30 Sunday: 10:00 - 22:00
15/11655/LIPT	Kazu Restaurants 1 Limited	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Restaurant	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
13/07955/LIPV	Fernandez And Wells	Basement And Ground Floor 43 Lexington Street London W1F 9AL	Cafe	Monday to Saturday: 08:00 - 23:30 Sunday: 08:00 - 22:00
12/01708/LIPV	Vinoteca	53 - 55 Beak Street London	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00
15/06465/LIPVM	Andrew Edmunds	Basement And Ground Floor 46 Lexington Street London W1F 0LP	Wine bar	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
06/06539/AVCCMAP	Academy Club	First Floor Front 46 Lexington Street London W1F 0LP	Wine bar	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
17/00017/LIPT	Masala Zone Soho	9 Marshall Street London W1F 7EJ	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00
17/05709/LIPVM	Tapas Brindisa Soho	46 Broadwick Street London W1F 7AF	Restaurant	Monday to Sunday: 10:00 - 00:30
06/05127/AVCCMAP	Star & Garter	62 Poland Street London W1F 7NX	Pub or pub restaurant with lounge	Monday to Thursday: 10:00 - 23:30 Friday to Saturday: 10:00 - 00:00 Sunday: 12:00 - 22:50 Sundays before Bank Holidays: 12:00 - 00:00
17/03723/LIPDPS	Hearst Magazines	Sixth Floor 33 Broadwick Street London W1F 0DQ	Office	Monday to Sunday: 00:00 - 00:00
17/04674/LIPDPS	Ibu	31 Broadwick Street London W1F 0DG	Restaurant	Monday to Sunday: 09:00 - 21:30
11/07263/LIPDPS	Sun & Thirteen Cantons Old Coffee House Public House	21 Great Pulteney Street London W1F 9NG	Pub or pub restaurant with lounge	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
14/00895/LIPDPS		49 Beak Street London W1F 9SF	Pub or pub restaurant with lounge	Monday to Thursday: 10:00 - 23:30 Friday to Saturday: 10:00 - 00:00 Sunday: 12:00 - 23:00
14/01787/LIPN	Milk And Honey	61 Poland Street London W1F 7NU	Night clubs and discos	Monday to Saturday: 09:00 - 03:30 Sunday: 09:00 - 02:00 Sundays before Bank Holidays: 09:00 - 03:30

Westminster City Council

Street Naming & Numbering
Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

www.westminster.gov.uk



City of Westminster

Our ref: SNN17/00046

Please reply to:

Email:

SNN@westminster.gov.uk

Tel No:

020 7641 2652

Samuel John

Ms Silvia Marcon
CBRE Ltd
16 Kingly Street
London
W1B 5PT

Street naming and numbering
Development Planning
City of Westminster
PO Box 732,
Redhill,RH1 9FL

16 May 2017

Dear Sir/Madam,

London Building Acts (Amendment) Act, 1939 - Part II

Address: 57 Broadwick Street, London, W1F 9QS,

Proposal: Registering to assign address numbering to 3 commercial units at Broadwick Street, W1F, Namely as 55, 57 and 59 , Broadwick Street, London, W1F 9QS.

We have recently received confirmation from Royal Mail of the postcodes for the new postal addresses as below :

**55-59 odds Broadwick Street
LONDON
W1F 9QS**

In accordance with Royal Mail's practice for newly created properties and flat units, the address/postcode has been added to the Not Yet Built Register ("NYB") as the works are not yet completed and consequentially, not occupied.

The NYB contains address details from local authorities of properties that are in the course of being built , or are scheduled to be built in the future , through the point of being an active postal address when occupation occurs. When you apply for your Meter Point Administration Numbers ("MPANs"), the Utility Company is advised where the address is to be found on Royal Mail's database, as Utility companies rely upon NYB to verify a postal address during its construction stages.

Once the works are completed, units/building accessible for mail/post delivery and possibly occupied, please reply to SNN@westminster.gov.uk so we can issue the Council's statutory order that formally brings into use the postal address.

dack09/12/11

Yours faithfully

Samuel John

Samuel John

dack091231



**City of
Westminster**

**Schedule 12
Part A**

**WARD: West End
UPRN:
100023471296**

Regulation 33, 34

Premises licence

**Premises licence
number:**

17/05023/LIPN

Original Reference:

17/05023/LIPN

Part 1 - Premises details

Postal address of premises:

57 Broadwick Street
London
W1F 9QS

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

Non-standard Timings: These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Thursday: 08:00 to 23:30
Friday to Saturday: 08:00 to 00:00
Sunday: 10:00 to 23:30
Sundays before Bank Holidays: 10:00 to 00:30

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Shaftesbury Soho Limited
22 Ganton Street, Carnaby,
London,
W1F 7FD
:

Registered number of holder, for example company number, charity number (where applicable)

05291606

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: TBC

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number:
Licensing Authority:

Date: _____ 17 August 2017 _____

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$
 Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder

- d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
19. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
20. The premises shall only operate as a restaurant
- i. in which customers are shown to their table,
 - ii. where the supply of alcohol is by waiter or waitress service only,
 - iii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv. which do not provide any take away service of food or drink for immediate consumption,
 - v. which do not provide any take away service of food or drink after 23.00, and
 - vi. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
21. No licensable activities shall take place at the premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
22. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 150 persons.

Annex 4 – Plans

Attached



**City of
Westminster**

**Schedule 12
Part B**

**WARD: West End
UPRN:
100023471296**

**Premises licence
summary**

Regulation 33, 34

**Premises licence
number:**

17/05023/LIPN

Part 1 - Premises details

Postal address of premises:

57 Broadwick Street
London
W1F 9QS

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment
Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00
Non-standard Timings: These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.
The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Sale by Retail of Alcohol
Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

Non-standard Timings: These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Thursday: 08:00 to 23:30

Friday to Saturday: 08:00 to 00:00

Sunday: 10:00 to 23:30

Sundays before Bank Holidays: 10:00 to 00:30

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

Shaftesbury Soho Limited
22 Ganton Street, Carnaby,
London,
W1F 7FD

Registered number of holder, for example company number, charity number (where applicable)

05291606

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: TBC

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: _____ 17 August 2017 _____

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.

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Item No:	
Date:	1 February 2018
Licensing Ref No:	17/14697/LIPN - New Premises Licence
Title of Report:	Mariage Freres 38 King Street Covent Garden London WC2E 8JS
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 0207 641 2727 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	12 December 2017		
Applicant:	Mariage Freres Royaume Uni Limited		
Premises:	Mariage Freres		
Premises address:	38 King Street Covent Garden London WC2E 8JS	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	<p>According to the application, the premises will operate as a Parisian-Style Tea Emporium, Salon and Museum.</p> <p>Mariage Freres currently operate seven premises in Paris, and more across France, along with premises in Berlin & Hamburg in Germany, and in Tokyo, Kyoto and Kobe in Japan.</p> <p>The premises at King Street will consist of:</p> <p>Basement – Kitchen, Staff Facilities and public WCs Ground Floor – Tea Shop First Floor – Tea Room Second Floor – Tea Museum and tea display Third Floor – Offices and Back of House Fourth Floor – Function Room</p> <p>The application follows pre-application advice reference 16/11061/PREAPM and is in accordance with Planning Permission ref 16/08343/FULL.</p> <p>The proposals are for:</p> <p>a) ancillary use of part of the store for the sale of alcohol until 8pm, in accordance with that retail use and paragraph 2.4 of the Statement of Licensing Policy; b) Restaurant use until 11pm; and c) use for private pre-booked functions until 11pm consistent with the existing licence.</p>		
Premises licence history:	<p>Part of the premises currently benefits from a premises licence (reference 14/05543/LIPT) which the applicant advised will be surrendered should this application be granted.</p> <p>The existing licence however is currently suspended due to non-payment of annual fees to date. Full licence history can be found at Appendix 3 of the report.</p>		
Applicant submissions:	None		

Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.
---------------	---

1-B Proposed licensable activities and hours							
Sale by retail of alcohol:				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Ms Shannon Pring
Received:	9 th January 2018
<p>I write in relation to the application submitted for a New Premises Licence for the following premises –</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The premises can be considered alongside RNT2 and PVC2 and therefore it is for the applicant to demonstrate how the proposed additional 250 patrons plus an additional 35 staff will not add to cumulative impact in the cumulative impact area. No additional information has been received which addresses the policy concerns and we ask that this is addressed by further submissions.</p> <p>We would ask that the applicant provide further information relating to the private functions</p>	

that they intend to hold. We would ask that the applicant provide:

- an indication as to how many private functions will be held in a calendar year and,
- further information on how these private functions will be managed and will these events be primarily alcohol-led?
- will there be a capacity limit on the number of patrons that can attend the private functions and will there be a staggered dispersal or will there be 250 patrons leaving the premises at 23:00?

Finally we would be grateful if the applicant provided further information relating to the opening times of the museum and the tea retail shop? Please confirm whether the museum and the tea retail shop will be open for the duration that the tea room and private function room is in use?

Please accept this as a formal objection and we look forward to receiving further submissions as soon as possible.

Responsible Authority:	The Metropolitan Police
Representative:	PC Bryan Lewis
Received:	3 rd January 2018

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

Responsible Authority:	The Environmental Health Service
Representative:	Mr Anil Drayan
Received:	5 th January 2018

I refer to the application for a new premises licence for the above premises which is located in the West End Cumulative Impact Area.

The applicant has submitted the following plans of the premises:

- Basement, drawing no GA (90)01, dated 10.11.17
- Ground Floor, drawing no GA (90)02, dated 10.11.17
- First Floor drawing no GA (90)03, dated 10.11.17
- Second Floor, drawing no GA (90)04, dated 10.11.17
- Third Floor drawing no GA (90)05, dated 10.11.17
- Fourth Floor drawing no GA (90)06, dated 10.11.17

The following licensable activities are being sought:

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises between 10:00 and 23.00 hours Monday to Saturday and 12:00 to 22:30 hours Sunday

I wish to make the following representations based on the plans submitted and the supporting operating schedule:

The hours requested for and the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

Environmental Health also makes the following comments:

I understand that this application has been made on the basis of surrendering the existing Premises Licence, 14/05543/LIPT, and following pre-application advice sought from Environmental Health (*see underneath – FOR INFORMATION*). Although an extensive list of conditions has been offered in the operating schedule they are under consideration as to whether they are sufficient to allay Environmental Health concerns and also whether they are sufficient to comply with Westminster's Statement of Licensing policy within Cumulative Impact Areas.

It is unclear from the application if the premises have already undergone refurbishment for the proposed use. Nevertheless, it will need to be inspected for Public Safety prior to commencement of licensable activities.

Clarification is sought on the nature of '*private pre booked functions*' and activities envisaged as the application also states '*consistent with the existing licence*'

The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 so as to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area.

Additionally, the plans show the premises operating over several floors and the sufficiency of the provision of sanitary accommodation shall also require an assessment of travel distances as stated in BS 6465.

Please note Environmental Health shall require the final capacity for the premises to be determined by whichever gives the lower figure from an assessment of the safe capacity and the provision of sanitary accommodation.

The premises will also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or noise from the operation of any plant and machinery.

The applicant is advised to contact the undersigned to discuss the above issues and possibly to include arranging a site visit after which Environmental Health may propose additional conditions to allay its concerns.

FOR INFORMATION – pre-application advice:

At the time of the pre-application advice request precise details on all the licensing activities, site layout etc being sought were not clear and the following main advice was therefore provided verbally:

Any request in a new licence for 'On' sale of alcohol that was not to be controlled under Model Condition 66 was advised to have equivalent restrictions, at the very least, as specified in conditions 10 to 12 of the existing licence 14/05543/LIPT - opinion was also provided that

condition 10 appeared to be sufficiently imprecise that an application consisting of a variation of Model Condition 38 together with adhering to sections 2.4.21 and 2.4.22 of the Policy may be sufficient. However final determination as to whether any proposals will be consistent with the Policy is likely to be a matter for the Licensing Sub-Committee.

A premises history check showed that whilst operating as the Africa Centre under licence 14/05543/LIPT the premises generated noise complaints particularly when providing functions involving amplified musical entertainments. Advice was provided that if regulated entertainments was to be requested then any refurbishment works should include enhanced sound insulation measures and any amplified music to be provided under the control of a suitable sound limiter device.

At the time of the pre-application request the intention was for a capacity of upto 250 patrons and upto 35 staff. Advice was provided that being in the Cumulative Impact Area the provision of sanitary accommodation must be in line with British Standard 6465 - the actual number being dependant on when the precise mix of activities being sought was known.

The proposals appeared to include enhanced kitchen facilities, additional plant, internal/ external layout changes etc and advice was given that advice should be sought from the Planning Department as to whether a planning application was also required.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Equality Implications

<p>The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:</p> <p>a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act,</p> <p>b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and</p> <p>c) Foster good relations between persons who share relevant protected characteristics and persons who do not share it.</p> <p>Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.</p>

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Copy of Pre-App Report
Appendix 5	Copy of Existing Licence
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Ms Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: ywade@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
4	Application Form	12 th December 2017
5	The Licensing Authority- Representation	9 th January 2018
6	The Metropolitan Police- Representation	3 rd January 2018
7	The Environmental Health Service- Representation	5 th January 2018

Applicant Supporting Documents

Appendix 1

None submitted

Licence & Appeal History

Application	Details of Application	Decision	Date Determined
05/10766/LIPC	Conversion application	Granted Under Delegated Authority	06.10.2005
06/08096/WCCMAP	New Premises Application	Granted Under Delegated Authority	06.10.2005
08/10412/LIPD	Duplicate Application	Granted Under Delegated Authority	06.01.2009
09/02600/LIPV	Variation Application	Invalid Application	25.06.2009
09/05222/LIPT	Application to Transfer	Granted Under Delegated Authority	24.09.2009
09/05223/LIPV	Variation Application	Application Withdrawn	08.10.2009
14/05543/LIPT	Application to Transfer	Granted Under Delegated Authority	14.07.2014

There is no appeal history

Temporary Event

Application	Details of Application	Decision	Date Determined
12/04401/LITENP	Temporary Event Notice	Notice Granted	06.06.2012
12/04519/LITENP	Temporary Event Notice	Invalid Application	30.05.2012
12/04708/LITENP	Temporary Event Notice	Invalid Application	07.06.2012

12/07733/LITENN	Temporary Event Notice	Notice Granted	26.09.2012
12/08153/LITENN	Temporary Event Notice	Notice Granted	20.09.2012
12/08159/LITENN	Temporary Event Notice	Licence Refused	17.09.2012
12/10900/LITENN	Temporary Event Notice	Notice Granted	18.12.2012
12/11072/LITENN	Temporary Event Notice	Notice Granted	18.12.2012
13/03035/LITENN	Temporary Event Notice	Notice Granted	15.05.2013
13/06029/LITENN	Temporary Event Notice	Notice Granted	20.08.2013
13/06189/LITENN	Temporary Event Notice	Notice Granted	27.08.2013
13/06190/LITENN	Temporary Event Notice	Application Withdrawn	19.08.2013
13/06191/LITENN	Temporary Event Notice	Notice Granted	27.08.2013
13/06417/LITENN	Temporary Event Notice	Notice Granted	02.09.2013

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Environmental Health propose to amend condition 9 to read as the following:

No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
11. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

15. Only the sale of alcohol for consumption off the premises shall be permitted on the ground floor.
16. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed in any part of the premises.
17. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol
18. The sale of alcohol on the premises shall at all times be ancillary to the main function of the premises as a tea retail shop.
19. On the first floor the supply of alcohol for consumption on the premises shall be by waiter or waitress service only to persons seated at tables or bar counter.
20. Save for private pre-booked functions, there will be no direct access from the street to any area where alcohol is sold for consumption on the premises.
21. After 20:00 the sale of alcohol for consumption on the premises shall be limited to:
 - a) Those taking a table meal at the first floor Tea Room; or
 - b) Those attending a pre-booked private event.

Environmental Health propose to amend condition 21 to read as the following:

- After 20:00 the sale of alcohol for consumption on the premises shall be limited to:
- a) persons taking a table meal at the first floor Tea Room and for consumption by such persons as ancillary to their meal; or
 - b) those attending a pre-booked private event.
22. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold for consumption on the premises.
 23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.

Environmental Health propose to amend condition 24 to read as the following:

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23:00) hours and (07:00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

25. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.

Environmental Health propose to amend condition 25 to read as the following:

No collections of waste or recycling materials (including bottles) from the premises shall take place between (23:00) and (07:00) on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

26. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
27. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
29. There will be no sale of alcohol until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Environmental Health propose to amend condition 29 to read as the following:

There will be no sale of alcohol until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence. If there are minor changes to the layout during the course of construction new plans shall be provided when applying to remove this condition.

30. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed:

First Floor xxx persons
Second Floor xxx persons
Fourth Floor xxx persons
With no more than xxx persons at any one time.

The capacities are subject to a final inspection of the premises and satisfactory plans being submitted and agreed by the District Surveyor.

Environmental Health propose to amend condition 30 to read as the following:

The number of persons permitted on the premises at any one time (excluding staff) shall not exceed:

First Floor xxx persons
Second Floor xxx persons
Fourth Floor xxx persons

With no more than 250 persons in the whole premises at any one time. (*Final patron capabilities for each of the floors to be determined on clearance of the works condition*).

31. No licensable activities shall take place at the premises until premises licence 14/05543/LIPT (or such other number subsequently issued for the premises) has been surrendered.

Conditions proposed by Environmental Health

32. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
33. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

**CITY OF WESTMINSTER
MEMORANDUM**

TO Ms Daisy Gadd

REFERENCE 17/14697/LIPN

FROM EH Consultation Team, 4th Floor, City Hall

REFERENCE 17/061991/EHCT

BEING DEALT WITH BY Anil Drayan

TELEPHONE EXT. 1774

DATE 5 January 2018

MARIAGE FRERES ROYAUME UNI, 38 KING STREET, COVENT GARDEN, LONDON

I refer to the application for a new premises licence for the above premises which is located in the West End Cumulative Impact Area.

The applicant has submitted the following plans of the premises:

- Basement, drawing no GA (90)01, dated 10.11.17
- Ground Floor, drawing no GA (90)02, dated 10.11.17
- First Floor drawing no GA (90)03, dated 10.11.17
- Second Floor, drawing no GA (90)04, dated 10.11.17
- Third Floor drawing no GA (90)05, dated 10.11.17
- Fourth Floor drawing no GA (90)06, dated 10.11.17

The following licensable activities are being sought:

2. To provide for the Supply of Alcohol 'On' and 'Off' the premises between 10:00 and 23.00 hours Monday to Saturday and 12:00 to 22:30 hours Sunday

I wish to make the following representations based on the plans submitted and the supporting operating schedule:

1. The hours requested for and the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

Environmental Health also makes the following comments:

- I understand that this application has been made on the basis of surrendering the existing Premises Licence, 14/05543/LIPT, and following pre-application advice sought from Environmental Health (*see underneath – FOR INFORMATION*).

Although an extensive list of conditions has been offered in the operating schedule they are under consideration as to whether they are sufficient to allay Environmental Health concerns and also whether they are sufficient to comply with Westminster's Statement of Licensing policy within Cumulative Impact Areas.

- It is unclear from the application if the premises have already undergone refurbishment for the proposed use. Nevertheless, it will need to be inspected for Public Safety prior to commencement of licensable activities.
- Clarification is sought on the nature of '*private pre booked functions*' and activities envisaged as the application also states '*consistent with the existing licence*'
- The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 so as to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area.

Additionally, the plans show the premises operating over several floors and the sufficiency of the provision of sanitary accommodation shall also require an assessment of travel distances as stated in BS 6465.

Please note Environmental Health shall require the final capacity for the premises to be determined by whichever gives the lower figure from an assessment of the safe capacity and the provision of sanitary accommodation.

- The premises will also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or noise from the operation of any plant and machinery.

The applicant is advised to contact the undersigned to discuss the above issues and possibly to include arranging a site visit after which Environmental Health may propose additional conditions to allay its concerns.

FOR INFORMATION – pre-application advice:

At the time of the pre-application advice request precise details on all the licensing activities, site layout etc being sought were not clear and the following main advice was therefore provided verbally:

- Any request in a new licence for 'On' sale of alcohol that was not to be controlled under Model Condition 66 was advised to have equivalent restrictions, at the very least, as specified in conditions 10 to 12 of the existing licence 14/05543/LIPT - opinion was also provided that condition 10 appeared to be sufficiently imprecise that an application consisting of a variation of Model Condition 38 together with adhering to sections 2.4.21 and 2.4.22 of the Policy may be sufficient. However final determination as to whether any proposals will be consistent with the Policy is likely to be a matter for the Licensing Sub-Committee.
- A premises history check showed that whilst operating as the Africa Centre under licence 14/05543/LIPT the premises generated noise complaints particularly when providing functions involving amplified musical entertainments. Advice was provided that if regulated entertainments was to be requested then any

refurbishment works should include enhanced sound insulation measures and any amplified music to be provided under the control of a suitable sound limiter device.

- At the time of the pre-application request the intention was for a capacity of up to 250 patrons and upto 35 staff. Advice was provided that being in the Cumulative Impact Area the provision of sanitary accommodation must be in line with British Standard 6465 - the actual number being dependant on when the precise mix of activities being sought was known.
- The proposals appeared to include enhanced kitchen facilities, additional plant, internal/ external layout changes etc and advice was given that advice should be sought from the Planning Department as to whether a planning application was also required.



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: St James's
UPRN: 100023430967

Premises licence

Regulation 33, 34

Premises licence number:	14/05543/LIPT
Original Reference:	05/10766/LIPC

Part 1 – Premises details

Postal address of premises:

The Africa Centre
38 King Street
Covent Garden
London
WC2E 8JS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music	Unrestricted
Late Night Refreshment Monday to Saturday:	23:00 to 23:30
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday:	10:00 to 23:30
Sunday:	12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Capital & Counties CG Limited
15 Grosvenor Street
London
W1K 4QZ

Registered number of holder, for example company number, charity number (where applicable)

05860223

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Adotey Bing

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: Not Supplied
Licensing Authority: Not Supplied

Date: 14 July 2014

Signed: pp
Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

9. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (ii) For the purposes of the condition set out in paragraph 9(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii) Where the permitted price given by Paragraph 9(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv) (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions related to the Sale of Alcohol

10. Intoxicating liquor shall not be sold or supplied otherwise than to : a) Directors of the Africa Centre Ltd. Members of the committee & Staff of the Africa Centre (herein after called "The Centre") & their respective guests. b) Persons attending conferences, lectures, meetings, exhibitions & also functions such as dinners, concerts, plays and social evenings held at the centre. c) Persons attending courses, classes or seminars run by the centre & their guests. d) Persons taking table meals at the restaurant at the centre & then only as an ancillary to the meal e) Persons attending functions at the centre organised by persons or bodies approved by the Centre.
11. There shall be no direct access from the street to any bar.
12. No external advertisement of the licensed facilities.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.

- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: St James's
UPRN: 100023430967

Premises licence
summary

Regulation 33, 34

Premises licence number:

14/05543/LIPT

Part 1 – Premises details

Postal address of premises:

The Africa Centre
38 King Street
Covent Garden
London
WC2E 8JS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 23:30

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol
Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Capital & Counties CG Limited
15 Grosvenor Street
London
W1K 4QZ

Registered number of holder, for example company number, charity number (where applicable)

05860223

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Adotey Bing

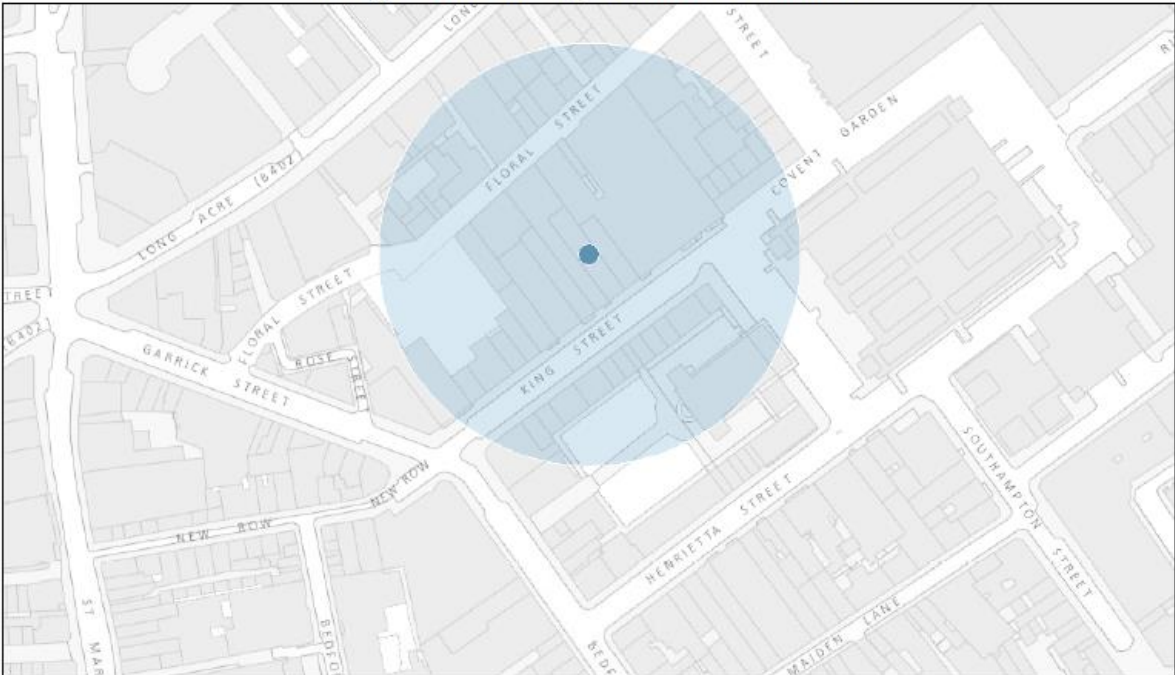
State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 14 July 2014

Signed: pp
Operational Director - Premises Management

Mariage Freres 38 King Street Covent Garden



January 17, 2018



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DISTANCE	Licence Number	Trading Name	Address	Premises Type	Time Period
7.567744	16/01378/LIPDPS	Palm Court Brasserie	39 King Street Covent Garden London WC2E 8JS	Restaurant	Monday to Saturday; 08:00 - 01:30 Sunday; 08:00 - 00:00

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	1 February 2018
Licensing Ref No:	17/14551/LIPV - Premises Licence Variation
Title of Report:	23 Grosvenor Gardens London SW1W 0BP
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	7 December 2017		
Applicant:	AD Lounge Bars Limited		
Premises address:	23 Grosvenor Gardens London SW1W 0BP	Ward:	St James'
		Cumulative Impact Area:	None
Premises description:	The premises currently operates as a wine bar.		
Variation description:	<p>The application seeks to vary the opening hours of the premises to: Sunday to Wednesday: 07:00 to 02:00 Thursday to Saturday: 07:00 to 03:00 Sundays before Bank Holidays: 07:00 to 03:00</p> <p>The application also seeks to vary the operating hours for the following licensable activities:</p> <p>Late night refreshment: Sunday to Wednesday: 23:00 to 01:30 Thursday to Saturday: 23:00 to 02:30 Sundays before Bank Holidays: 23:00 to 02:30</p> <p>Sale by retail of alcohol: Sunday to Wednesday: 10:00 to 01:00 Thursday to Saturday: 10:00 to 02:30 Sundays before Bank Holidays: 10:00 to 02:30</p> <p>Playing of recorded music Sunday to Wednesday: 10:00 to 01:00 Thursday to Saturday: 10:00 to 02:30 Sundays before Bank Holidays: 10:00 to 02:30</p> <p>Furthermore, this variation application seeks to amend conditions 24, 28, 34 and 37 and to remove condition 33.</p>		
Premises licence history:	The premises has been licensed since 2009. The full details of the premises licence history can be found at Appendix 2.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours

Playing of recorded music

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	08:00	23:00	10:00	01:00	No change
Tuesday	08:00	23:00	10:00	01:00	
Wednesday	08:00	23:00	10:00	01:00	
Thursday	08:00	23:00	10:00	02:30	
Friday	08:00	00:00	10:00	02:30	
Saturday	08:00	00:00	10:00	02:30	
Sunday	08:00	22:30	10:00	01:00	
Seasonal variations/ Non-standard timings:	Current:				
	The Supply of Alcohol and Recorded music may be provided from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				Sundays before Bank Holidays: 10:00 to 02:30
	On the day commencement of British Summertime and on that day only, the terminal hour for all licensable activities shall be extended by one hour.				On the day commencement of British Summertime and on that day only, the terminal hour for all licensable activities shall be extended by one hour.
				The supply of alcohol and recorded music, late night refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day 1 SIA doorman must be present from 23:00 on New Year's Eve.	

Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	23:30	23:00	01:30	No change
Tuesday	23:00	23:30	23:00	01:30	
Wednesday	23:00	23:30	23:00	01:30	
Thursday	23:00	23:30	23:00	02:30	
Friday	23:00	00:00	23:00	02:30	
Saturday	23:00	00:00	23:00	02:30	
Sunday			23:00	01:30	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 23:00 to 00:00.			Sundays before Bank Holidays: 23:00 to 02:30	
	Late Night Refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day.			The supply of alcohol and recorded music, late night refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day 1 SIA doorman must be present from 23:00 on New Year's Eve.	
On the day commencement of British Summertime and on that day only, the terminal hour for all licensable activities shall be extended by one hour.			On the day commencement of British Summertime and on that day only, the terminal hour for all licensable activities shall be extended by one hour.		

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			On		No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:30	10:00	01:00	No change
Tuesday	10:00	23:30	10:00	01:00	
Wednesday	10:00	23:30	10:00	01:00	
Thursday	10:00	23:30	10:00	02:30	
Friday	10:00	00:00	10:00	02:30	
Saturday	10:00	00:00	10:00	02:30	
Sunday	12:00	22:30	10:00	01:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 12:00 to 00:00.			Sundays before Bank Holidays: 10:00 to 02:30	
	The Supply of Alcohol and Recorded music may be provided from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			The supply of alcohol and recorded music, late night refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day 1 SIA doorman must be present from 23:00 on New Year's Eve.	
	On the day commencement of British Summertime and on that day only, the terminal hour for all licensable activities shall be extended by one hour.			On the day commencement of British Summertime and on that day only, the terminal hour for all licensable activities shall be extended by one hour.	

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	07:00	23:30	07:00	02:00	No change
Tuesday	07:00	23:30	07:00	02:00	
Wednesday	07:00	23:30	07:00	02:00	
Thursday	07:00	23:30	07:00	03:00	
Friday	07:00	00:30	07:00	03:00	
Saturday	07:00	00:30	07:00	03:00	
Sunday	07:00	23:00	07:00	02:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 07:00 to 00:00.			Sundays before Bank Holidays: 07:00 to 03:00.	

1-C Layout alteration

There are no changes to the layout of the premises.

1-D Conditions being varied

Condition	Proposed variation
<p>Condition 24</p> <p>At least 1 SIA licensed door supervisors shall be on duty at the entrance of the premises between 20:00 hours and closing every Friday and Saturday night.</p>	<p>At least 1 SIA licensed door supervisors shall be on duty at the entrance of the premises between 22:00 hours and closing every Thursday, Friday and Saturday night.</p>
<p>Condition 28</p> <p>There shall be no outside drinking permitted after 22:00 hours.</p>	<p>There shall be no outside alcohol drinking permitted after 23:30 hours.</p>
<p>Condition 34</p> <p>Late Night Refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day.</p>	<p>The supply of alcohol and recorded music, late night refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day 1 SIA doorman must be present from 23:00 on New Year's Eve.</p>
<p>Condition 37</p> <p>A personal licence holder shall be on duty every Thursday, Friday and Saturday from 20:00 hours until close.</p>	<p>A personal licence holder shall be on duty every Thursday, Friday and Saturday from 22:00 hours until close.</p>

1-E Conditions being removed**Condition 33**

The Supply of Alcohol and Recorded music may be provided from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Adam Deweltz
Received:	13 December 2017
<p>For the avoidance of doubt, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>The hours you seek are beyond those of the Westminster Core Hours and if the variation is granted, this would have an impact on Crime and Disorder in the area.</p> <p>This decision will need to be made by the Licensing Sub-Committee.</p>	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Maxwell Koduah
Received:	19 December 2017
<p>This representation is based on information contained within the operating schedule.</p> <p>The applicant is seeking the following amendments to premises licence 13/01773/LIPVM:</p> <ol style="list-style-type: none"> 1. Condition 24 to read: At least 1 SIA licensed door supervisors shall be on duty at the entrance of the premises between 22:00hrs and closing every, Thursday, Friday and Saturday night 2. Condition 28 to read: There shall be no outside alcohol drinking permitted after 23:30hrs 3. Condition 34 to read: The Supply of Alcohol and Recorded music, Late Night Refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day 4. Condition 37 to read: A personal licence holder shall be on duty every Thursday, Friday and Saturday from 22:00 hours until close 5. In support of 3 above, to add: 1 SIA doorman must be present from 23:00 on New Year's Eve. 6. Increase hours for the provision of late night refreshment as below: Sunday to Wednesday: 23:00 to 01:30 hours Thursday, Friday, Saturday: 23:00 to 02:30 hours 	

Sundays before Bank holidays: 23:00 to 02:30 hours

7. Increase hours for supply of alcohol as below:
Sunday to Wednesday: 10:00 to 01:00 hours
Thursday, Friday, Saturday: 10:00 to 02:30 hours
Sundays before Bank holidays: 10:00 to 02:30 hours
8. Playing of recorded music as below:
Sunday to Wednesday: 10:00 to 01:00 hours
Thursday, Friday, Saturday: 10:00 to 02:30 hours
Sundays before Bank holidays: 10:00 to 02:30 hours

Late Night Refreshment "Indoors" Monday to Sunday from 23:00 to 02:00 hours.

I wish to make the following representation

1. No objection.
2. Extending the permitted hours for drinking outside by 1 hour 30 minutes will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
3. Amending condition 34 to include the supply of alcohol and playing of recorded music will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
4. No objection.
5. No objection.
6. Increasing the hours for the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
7. Increasing the hours for the supply of alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
8. Increasing the hours for the playing of recorded music will have the likely effect of causing an increase in Public Nuisance within the area.

Applicant has requested relaxation of conditions and substantial increase in hours for licensable activities. This will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

Applicant failed to provide sufficient measures by way of conditions to mitigate the likely impact of the proposed changes on existing amenities including noise sensitive premises. In a visit to the premises prior to submission of the application, I advised applicant to include in the application a public nuisance and public safety impact analysis yet this has not been taken on board.

The granting of the variation to the premises licence as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within

the area.

Following a visit to the premises and discussions thereof, I have assessed the application and I consider the conditions submitted in support of the application not sufficient to fully address the concerns of Environmental Health. Therefore, additional conditions may be recommended to support the licensing objectives of Prevention of Public Nuisance and Public Safety

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	Existing premises licence

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
4	Representation Metropolitan Police Service	13 December 2017
5	Representation Environmental Health Consultation Team	19 December 2017

Applicant Supporting Documents

Appendix 1

None submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
09/07751/LIPN	This was an application for a new premises licence.	24.11.2009	Granted under Delegated Authority
09/09934/LIPDPS	This was an application to vary the Designated Premises Supervisor.	05.01.2010	Granted under Delegated Authority
10/10202/LIPV	This was an application to vary the premises licence. The variation sought to remove certain conditions from the licence.	09.02.2011	Granted under Delegated Authority
10/10203/LIPT	This was an application to transfer the licence from Santi Limited to Adriano Dulgher "AD Lounge Bars Limited"	26.01.2011	Granted under Delegated Authority
11/01183/LIPDPS	This was an application to vary the Designated Premises Supervisor.	11.02.2011	Granted under Delegated Authority
11/12088/LIPV	This was an application to vary the premises licence. The variation sought: To extend the opening hours of the premises. To incorporate the activity of live music and to extend current hours of recorded music. To extend the provision of late night refreshment. To extend the sale by retail of alcohol and for consumption both on and off the premises. To remove condition 18. To increase the capacity in the basement to 60.	09.02.2012	Granted by Licensing Sub-Committee
13/01773/LIPVM	This was an application for a minor variation. The application sought to add 3 conditions to the licence: All drinking containers used within the basement area of the venue shall be polycarbonate.	02.04.2013	Granted under Delegated Authority

	<p>All glass bottles to be decanted into polycarbonate glassware or polycarbonate carafes, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles promptly.</p> <p>A personal licence holder shall be on duty every Thursday, Friday and Saturday from 20:00 hours until close.</p> <p>Prominent signage shall be erected in the vicinity of the stairwell to the basement area stating that taking glassware downstairs is forbidden.</p>		
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Application	Details of Application	Date Determined	Decision
10/04235/LITENP	This was an application for a temporary event notice.	11.06.2010	Notice granted
12/08666/LITENP	This was an application for a temporary event notice.	27.11.2012	Notice granted
12/09268/LITENP	This was an application for a temporary event notice.	24.10.2012	Notice granted
12/09756/LITENP	This was an application for a temporary event notice.	12.11.2012	Notice granted
12/10976/LITENP	This was an application for a temporary event notice.	18.12.2012	Notice granted
13/02444/LITENP	This was an application for a temporary event notice.	23.04.2013	Notice granted
13/03328/LITENP	This was an application for a temporary event notice.	28.05.2013	Notice granted
13/06720/LITENP	This was an application for a temporary event notice.	30.09.2013	Notice granted
13/07939/LITENP	This was an application for a temporary event notice.	22.10.2013	Notice granted
13/08302/LITENP	This was an application for a temporary event notice.	19.12.2013	Notice granted
13/08870/LITENP	This was an application for a temporary event notice.	20.11.2013	Notice granted
14/00398/LITENP	This was an application for a temporary event notice.	12.03.2014	Notice granted

14/02074/LITENP	This was an application for a temporary event notice.	14.04.2014	Notice granted
14/04543/LITENP	This was an application for a temporary event notice.	10.06.2014	<p>Refuse licence</p> <p>A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</p> <p>A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</p>

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the

- period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

Environmental Health have proposed that condition 10 be replaced with the following:

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

Environmental Health have proposed that condition 11 be replaced with the following:

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

12. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

Environmental Health have proposed that condition 12 be replaced with the following:

A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

13. There shall be no self service of alcohol on the premises
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Environmental Health have proposed that condition 14 be replaced with the following:

No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

15. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.

16. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800hours

Environmental Health have proposed that condition 16 be replaced with the following 2 conditions:

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.

17. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.

Environmental Health have proposed that condition 17 be replaced with the following:

During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

18. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as ancillary to food served in the licensed premises.

Environmental Health have proposed that condition 18 be replaced with the following:

Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

19. No super strength beer, lagers or ciders of above 5.5% ABV or above shall be sold at the premises.
20. There shall be no sales of alcohol for consumption off the premises.

21. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.

Environmental Health have proposed that condition 21 be replaced with the following:

There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

22. There shall be no striptease or nudity, and all persons shall be decently attired at all times.

Environmental Health have proposed that condition 22 be removed if their proposed replacement to condition 21 is agreed.

23. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
24. At least 1 SIA licensed door supervisors shall be on duty at the entrance of the premises between 20.00hrs and closing every Friday and Saturday night.

The applicant has applied to vary condition 24 to the following:

At least 1 SIA licensed door supervisors shall be on duty at the entrance of the premises between 22:00 hours and closing every Thursday, Friday and Saturday night.

25. Any staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
26. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

27. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Environmental Health have proposed that condition 27 be replaced with the following:

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
28. There shall be no outside drinking permitted after 22.00hrs.
- The applicant has applied to vary condition 28 to the following:**
- There shall be no outside alcohol drinking permitted after 23:30 hours.
29. Prominent signage will be placed around the premises giving crime prevention advice in relation to theft prevention.
30. All staff will be trained in crime prevention tactics and what to look out for.
31. The maximum number of persons at any one time (including staff) at the premises shall be 130 with the following local maximums: Ground Floor 100; Basement 60.
32. Substantial food shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Environmental Health have proposed that condition 32 be removed if their proposed replacement to condition 18 is agreed.

33. The Supply of Alcohol and Recorded music may be provided from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The applicant has applied to remove condition 33.

34. Late Night Refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day

The applicant has applied to vary condition 34 to the following:

The Supply of Alcohol and Recorded music, late night refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day. 1 SIA doorman must be present from 23:00 on New Year's Eve.

35. On the day commencement of British Summertime and on that day only, the terminal hour for all licensable activities shall be extended by one hour.
36. All drinking containers used within the basement area of the venue shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate carafes, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles promptly.
37. A personal licence holder shall be on duty every Thursday, Friday and Saturday from 20:00 hours until close.

The applicant has applied to vary condition 37 to the following:

A personal licence holder shall be on duty every Thursday, Friday and Saturday from 22:00 hours until close.

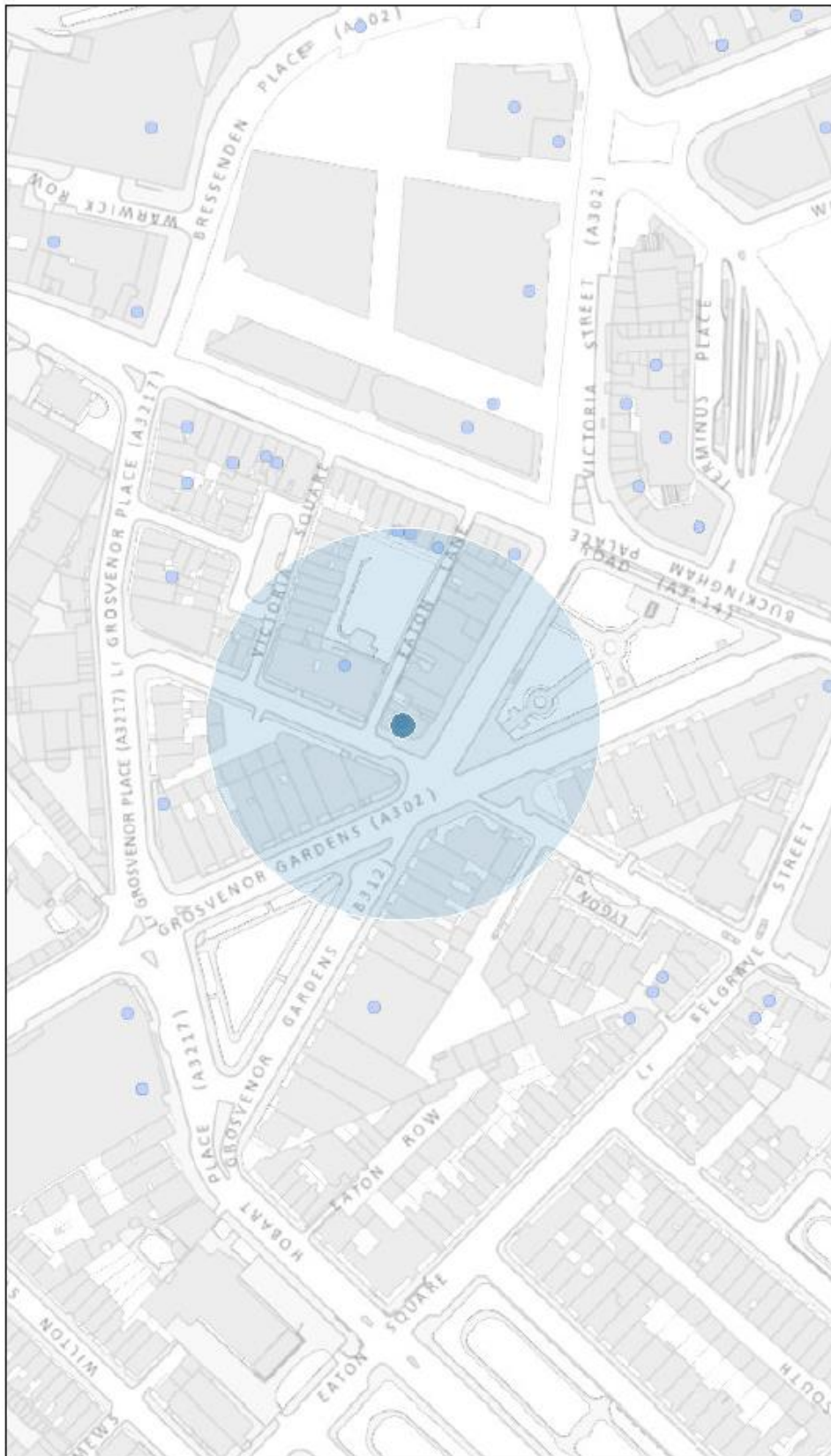
38. Prominent signage shall be erected in the vicinity of the stairwell to the basement area stating that taking glassware downstairs is forbidden.

Conditions proposed by Environmental Health

39. There shall be no outside drinking after 23:00 hours.
40. All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
41. After 23:30 hours Monday to Thursday; 00:00 hours Friday to Saturday and 22:30 hours on Sunday, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

42. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device

23 Grosvenor Gardens



Resident count = 40

Licence Number	Trading Name	Address	Premises Type	Time Period
13/01/773/LP/WM	23 Grosvenor Gardens	23 Grosvenor Gardens London SW1W 0BP	Cafe	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 23:00 Sundays before Bank Holidays; 07:00 - 00:00
06/05/821/WC/MAP	The Goring Hotel	15 Beaton Place London SW1W 0JW	Hotel, 4+ star or major chain	Monday to Sunday; 07:30 - 01:00
16/13/394/LP/V	Buckingham Belli House	42 Buckingham Palace Road London SW1W 0RE	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
11/06/678/LP/N	Patisserie Valerie	Basement And Ground Floor 38 Buckingham Palace Road London SW1W 0RE	Restaurant	Monday to Sunday; 06:00 - 00:00
15/08/563/LP/DPS	Tiles Wine Bar	36 Buckingham Palace Road London SW1W 0RE	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00



**City of
Westminster**

**Schedule 12
Part A**

WARD: St James's UPRN: 100023616562
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**64 Victoria Street,
London, SW1E 6QP**

Regulation 33, 34

Premises licence

**Premises licence
number:**

13/01773/LIPVM

Original Reference:

09/07751/LIPN

Part 1 - Premises details

Postal address of premises:

23 Grosvenor Gardens London SW1W 0BP
--

Telephone Number: 020 7976 5591
--

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music Late Night Refreshment Sale by Retail of Alcohol
--

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Monday to Thursday:	08:00 to 23:00
Friday to Saturday:	08:00 to 00:00
Sunday:	08:00 to 22:30

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00
Sundays before Bank Holidays: 23:00 to 00:00

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 00:00

For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Thursday: 07:00 to 23:30
Friday to Saturday: 07:00 to 00:30
Sunday: 07:00 to 23:00
Sundays before Bank Holidays: 07:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

AD Lounge Bars Limited
23 Grosvenor Gardens
London
SW1W 0BP
Electronic Mail : info@23grosvenorgardens.co.uk

Registered number of holder, for example company number, charity number (where applicable)

7435664

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Adriano Dulgher

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 11/00005/LIPERS

Licensing Authority: London Borough Of Croydon

Date: 2nd April 2013

Signed: pp
Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered

to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

8. The responsible person shall ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
12. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
13. There shall be no self service of alcohol on the premises
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.
- 16.. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800hours
17. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council
18. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as ancillary to food served in the licensed premises.
19. No super strength beer, lagers or ciders of above 5.5% ABV or above shall be sold at the premises.
20. There shall be no sales of alcohol for consumption off the premises.
21. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.

22. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
23. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
24. At least 1 SIA licensed door supervisors shall be on duty at the entrance of the premises between 20.00hrs and closing every Friday and Saturday night.
25. Any staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
26. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
27. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
28. There shall be no outside drinking permitted after 22.00hrs.
29. Prominent signage will be placed around the premises giving crime prevention advice in relation to theft prevention.
30. All staff will be trained in crime prevention tactics and what to look out for.
31. The maximum number of persons at any one time (including staff) at the premises shall be 130 with the following local maximums: Ground Floor 100; Basement 60.
32. Substantial food shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
33. The Supply of Alcohol and Recorded music may be provided from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
34. Late Night Refreshment may be provided from the end of permitted hours on New Year's Eve to 05:00 on New Year's Day
35. On the day commencement of British Summertime and on that day only, the terminal hour for all licensable activities shall be extended by one hour.

36. All drinking containers used within the basement area of the venue shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate adcarafes, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles promptly.
37. A personal licence holder shall be on duty every Thursday, Friday and Saturday from 20:00 hours until close.
38. Prominent signage shall be erected in the vicinity of the stairwell to the basement area stating that taking glassware downstairs is forbidden.

Annex 4 – Plans

Plans



**City of
Westminster**

**Schedule 12
Part B**

**WARD: St James's
UPRN:
100023616562**

**64 Victoria Street,
London, SW1E 6QP**

**Premises licence
summary**

Regulation 33, 34

**Premises licence
number:**

13/01773/LIPVM

Part 1 – Premises details

Postal address of premises:

23 Grosvenor Gardens
London
SW1W 0BP

Telephone Number: 020 7976 5591

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Monday to Thursday: 08:00 to 23:00
Friday to Saturday: 08:00 to 00:00
Sunday: 08:00 to 22:30

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Sundays before Bank Holidays: 23:00 to 00:00

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

Sundays before Bank Holidays: 12:00 to 00:00

For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Thursday: 07:00 to 23:30

Friday to Saturday: 07:00 to 00:30

Sunday: 07:00 to 23:00

Sundays before Bank Holidays: 07:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

AD Lounge Bars Limited
23 Grosvenor Gardens
London
SW1W 0BP

Registered number of holder, for example company number, charity number (where applicable)

7435664

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Adriano Dulgher

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 2nd April 2013

Signed: pp
Operational Director - Premises Management

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